

2019 Support for Indigent Defense SB 5532

The Oregon State Bar joins the Public Defense Services Commission in advocating for the restoration of the \$7 million reduction to Professional Services which was adopted by the Ways and Means Joint Committee (SB 5532).

What is the Office of Public Defense Services?

Oregon's Office of Public Defense Services (OPDS) provides constitutionally mandated criminal defense to indigent defendants throughout Oregon. Overseen by the Public Defense Services Commission (PDSC), indigent defense in Oregon is provided at the trial and appellate levels.

- Oregon's trial-level public defense system is currently made up of private attorneys working for nonprofits and small firms and overseen by the PDSC.
- Trial-level public defenders in Oregon are not state employees, and are funded through contracts with the State of Oregon's Office of Public Defense Services.
- The Appellate Division of OPDS provides all appellate level public defense services in Oregon. These attorneys are employees of OPDS.

Most of the PDSC budget is used to contract with private attorneys to meet the core responsibility of PDSC – providing trial level criminal defense representation to indigent clients. Reducing Professional Services funding below current service level means that OPDS may not have adequate funding to provide adequate constitutionally-mandated representation in all cases. Restoring this funding will allow the agency to continue contracting with local providers and ensure representation adequate to address anticipated caseloads.

Sixth Amendment Center Report

Additionally, the Bar is encouraged by the work that has occurred to evaluate how best to implement the recommendations of the Sixth Amendment Center Report released earlier this year. The report raises a number of important concerns about how indigent services are provided, and how providers are funded in Oregon. To address these concerns, HB 3145 has been introduced to restructure the way indigent defense is provided and to ensure that caseloads are maintained at a level that allows public defenders adequate time to provide competent representation for all clients.